

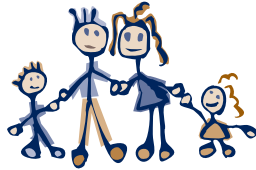
# IDAHO Supreme Court

## JUDICIAL/ADMINISTRATIVE NEWS

MARCH 2005

### Court Offers Improved Children, Family Services

In record numbers during 2004, Idahoans received coordinated services related to children and families. In total nearly 60,000 citizens received coordinated Family Court services through Court Assistance Offices, Family Court Services Coordinators, parent education and other types of direct service. Those numbers represent a 25% increase over 2003 and are nearly double the numbers served in 2002.

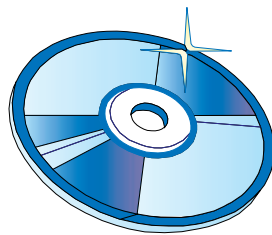


Idaho Chief Justice Gerald Schroeder commended the leadership, dedication, and innovation of court personnel statewide who have contributed to the successful and continuing coordination of these vital services to Idaho children and families.

The full report Children and Families in the Courts 2004 is available online at: <http://www.isc.idaho.gov/family04.pdf>

### Benchguide, Clerk Manual CD Available

The February 2005 update of the Judge's Benchguide and Clerk of the District Court Manual CD is now available. The CD was distributed recently in order to allow personnel to update the Benchguide/Clerks Manual CD on computers and/or on local court's servers.



Updates include:

New sections on the Benchguide include:

- ⚖ Contempt of Court – a Manual-Justice Daniel Eismann, November 2004
- ⚖ Opinion 42, Advisory Opinion of Idaho Judicial Council, Ex Parte Issues in Family Law Cases
- ⚖ Sex Offender Registration Guide, July 2004

Updated sections on the Benchguide include:

- ⚖ Bail Bond Schedules – July 1, 2004
- ⚖ Manual for Appeals to the District Court – December 2004
- ⚖ Idaho Supreme Court Directory – 2005

New Sections on the Clerks Manual CD include:

- ⚖ Bureau of Criminal Identification
- ⚖ Mail Security
- ⚖ Media Requests
- ⚖ Collections

Updated Sections on the Clerks Manual CD include:

- ⚖ Sex Offender Registration Guide
- ⚖ No Contact Orders
- ⚖ Guardianships and Conservators
- ⚖ Domestic Relations
- ⚖ Juvenile Corrections Act Procedure
- ⚖ Adoptions and Termination of Parental Rights

For installation instructions, go to:

<http://www.isc.idaho.gov/distmemo.doc>. Please contact Judge Castleton at 208-371-9370 or Sharon Burke at 208-947-7409 if you have questions.

### Legislative Session Update

At the time this edition of Judicial/Administrative News went to press much of the legislative action most vital to the Idaho Courts was still in process. We plan a full review of important legislative action in the next addition of the newsletter.

The Court has been carefully tracking 14 different pieces of legislation all of which were still under consideration by the House and Senate Judiciary Committees in the middle of March.





### **An Unglamorous Job, But Critical**

Magistrate Judge David Day of Ada County has been handling one of the state's most important judicial projects, which also qualifies as one of the most thankless. Judge Day chairs the Idaho Court's Committee on Standard Forms. It may not sound very exciting, but the work of the committee is of vital importance to thousands of Idahoans hoping to access the state's courts without the help of an attorney and no less important to Idaho judges who must handle those thousands of cases.

Judge Day explains that his committee of attorneys, judges, Court Assistance Office personnel, and representatives of the Idaho Volunteer Lawyer Program and Idaho Legal Aid have been working "to develop forms for use in family law cases where an individual has made the decision to self-represent. We have sought to create forms that we were certain could meet all legal requirements, but also be simple enough to allow widespread use."

Judge Day said he originally envisioned the work of the committee would be limited, but he has been amazed at the number and constantly changing nature of legal forms needed to address the

growing trend of Idahoans seeking to handle a variety of legal matters themselves.

"We have come up with a great number of forms, between 200 and 300, and I'm not sure there is an end," he said. "I thought we would work on it for a year or so and it would be over, but four years later there is no end in sight."

The Judge said he continues to believe most every case can benefit from the attention of an attorney and constantly advises that approach, but many people want to handle legal issues by themselves.

Judge Day said he is aware of the variety of opinions among judges about what constitutes an appropriate form for use in court, but that once the Idaho Supreme Court has approved a particular form for statewide use it is deemed to be acceptable in any court. The Judge invites questions, comments or suggestions at any time on the work of the Standard Forms Committee.

Judge Day can be reached at 208-287-7473.



## **New Orders & Rule Changes**

New Orders / Rule Changes: <http://www.isc.idaho.gov/rulesamd.htm>

The Court will soon be considering rule amendments proposed by the Civil Rules Advisory Committee, the Children and Families in the Court Committee, the Appellate Rule Advisory Committee and the Evidence Rules Advisory Committee. The proposals include a new Civil Rule 75 on contempt and a new rule on supervised access to children. The minutes of the Civil Rules Committee and the Appellate Rules Committee, as well as proposed amendments from all three committees, are available on the Idaho Supreme Court website at <http://www.isc.idaho.gov/rulesamd.htm>. If you have any questions or comments about these rules please contact Cathy Derden at [cderden@idcourts.net](mailto:cderden@idcourts.net).

Civil Rules Advisory Committee Meeting Minutes - January 28, 2005

<http://www.isc.idaho.gov/rules/Civil%20Rules%20Advisory%20Committee-%20Jan%202005.doc>

Proposed Amendments to Idaho Rules of Civil Procedure - New Rule 75 - February 25, 2005

<http://www.isc.idaho.gov/rules/CivRule%2075%20new%20copy.doc>

Proposed Amendments to I.R.C.P. 16 - February 25, 2005

Proposal 1 (m) - <http://www.isc.idaho.gov/rules/CFCC%20proposals.doc>

Proposal 2 (o) - <http://www.isc.idaho.gov/rules/Rule%20-%20Supervised%20Access%20cfcc.doc>

Idaho Appellate Rules Advisory Committee Meeting Minutes - January 21, 2005 - [http://www.isc.idaho.gov/app\\_0105\\_min.htm](http://www.isc.idaho.gov/app_0105_min.htm)

Proposed Amendments to Idaho Appellate Rules - January, 2005 - PDF - [http://www.isc.idaho.gov/app\\_0105\\_pro.pdf](http://www.isc.idaho.gov/app_0105_pro.pdf)



### Idaho Institute for Court Management

Clerks and Deputy Clerks are encouraged to mark their calendars for the 2005 Idaho Institute for Court Management. Pre-Institute workshops are scheduled for Tuesday, April 26, 2005 and will feature the following topics: Orientation and Overview of the Court System, Supervisor/Management Training and Court Assistance Officer Training.

The Institute will be held on Wednesday, April 27 to Friday, April 29 and will feature a keynote address from Idaho United States Attorney Tom Moss. Please call Sharon Burke 208-947-7409 to request a complete agenda.

### Interpreter Training, Testing Scheduled

The Idaho Supreme Court and the United States District Court for the District of Idaho have scheduled workshops for court interpreters in Boise during May and June, as part of a continuing effort to improve skills and certify more trained court interpreters. For complete information go to: [http://www.isc.idaho.gov/intrp05\\_prl.htm](http://www.isc.idaho.gov/intrp05_prl.htm)

### Crime Victim Assistance Training Conference

The 12th Annual "3 Days in June" Training conference will be held June 7 - 9 this year at the Doubletree Riverside Hotel in Boise. For more information go to:  
<http://www2.state.id.us/crimevictim/news/3days/3days.cfm>

### SARA Training for Judges



The Northwest Institute in Moscow, Idaho will be sponsoring Spousal Assault Risk Assessment (SARA) training May 18, 2005. The full-day training session will feature Dr. Randall Kropp who will highlight the fundamentals of spousal violence risk

assessment and introduce SARA, a comprehensive tool for assessing and managing perpetrators of violence against intimate partners.

The training is designed to assist professionals in both the criminal and civil justice systems. SARA features a set of guidelines for gathering information and making structured, informed assessments of

risk for future violence. This interactive workshop will cover the content, administration and validation of the SARA, as well as explore risk management strategies for spousal violence cases.

SARA - what you will learn/understand:

- Dynamics of violence in intimate relationships
- Aspects of risk
- Elements of risk assessment
- Checklist of pertinent factors for evaluating risk for spousal assault
- Guidance in rating/weighting risk factors
- Risk management strategies for spousal violence cases

The SARA workshop will be followed, on May 19 - 20, with Advanced Family Mediation training by Diana Mercer & Tara Fass. Ms. Mercer is co-author of *Your Divorce Advisor: A Lawyer and a Psychologist Guide You Through the Legal and Emotional Landscape of Divorce* (Fireside 2001). Contact Viki Howard at 208-384-5910 or [viki1@cablone.net](mailto:viki1@cablone.net) for additional information.

### Offender Treatment in Prison

Information will be available soon on the Benchguide CD regarding sex offender programming. If you would like to obtain a copy sooner, please contact Judge Lowell D. Castleton 208-371-9370 or [lcastleton@idcourts.net](mailto:lcastleton@idcourts.net).

### Technology Conference in Seattle

The National Center for State Courts has issued an invitation to its Ninth National Court Technology Conference (CTC9), September 13 - 15, 2005, at the Washington State Convention and Trade Center in Seattle. For more information, please visit us at <http://www.ctc9.org>. If you are interested in attending the conference contact Corrie Keller at [ckeller@idcourts.net](mailto:ckeller@idcourts.net) or call 208-334-2248.





## COURT PERSONNEL IN THE NEWS

### New Clerk for Bear Lake County

Bear Lake County Commissioners have appointed Kerry Haddock as the new Clerk of the District Court in Bear Lake County. Haddock was named to replace Joan Eborn who has been the Clerk of the District Court for over 23 years. The new clerk was born and raised in the Bear Lake Valley, receiving his bachelor's degree from Idaho State University and his MBA at the University of Washington.



Haddock has worked at a local phosphate plant for the last 30 years where he was involved in accounting, purchasing and transportation management. He has two daughters, one of whom is a Bear Lake County health nurse and another who is a regional sales manager for a bank in Oregon.

### Clearwater County Magistrate Judge Takes Oath of Office

Magistrate Judge Randy Robinson (right) was sworn in by Administrative District Judge John Stegner (center) while District Judge John Bradbury (left) looks on.



Judge Robinson replaced the Honorable Lee Squire in Clearwater County at the first of the year. Prior to taking the bench, Judge Robinson was managing attorney for the Idaho Legal Aid office in Lewiston. Welcome to the bench, Judge Robinson.



## COURT COMMITTEES NEWS & UPDATES

### Security Analysis Completed

The final report from the Court Security Job Task Analysis was recently distributed to court and county officials at their annual meetings. The study was recommended by the Ad Hoc County/Courts Shared Employee Committee and funded by a \$2,500 contribution from each judicial district.

In its discussion of court security in Idaho, the committee identified significant variation among counties in the structure and management of these functions. In addition, the committee recognized the need to develop training opportunities in this area. The committee concluded that a study of court security functions and employees would provide a foundation for any improvements to be recommended and contribute to the development of a training curriculum.

Jerry Hawley conducted the analysis. Hawley, an occupational analyst, also conducted a similar study for juvenile probation and

detention officers in Idaho. In early November, an expert panel of court security officers and bailiffs convened to identify the job functions for their positions statewide. The group unanimously agreed on a list of 31 job functions for bailiffs and 28 job functions for court security officers. The results were validated by a statewide survey distributed to judges, trial court administrators, sheriffs, bailiffs and court security officers.

The Committee will now consider recommendations for a training curriculum based on the information contained in the report. In addition, the report can be utilized by counties to enhance local training opportunities, establish minimum standards for employment and as a resource to develop job descriptions for these positions. Please contact Sharon Burke [sburke@idcourts.net](mailto:sburke@idcourts.net) or 208-947-7409 for a copy of the report.



### New Publication Available

A new publication on co-occurring substance abuse and mental health disorders is available from the Substance Abuse and Mental Health Services Administration. Co-occurring substance abuse and mental disorders are more common than most professional counselors, medical personnel or the general public realize. This publication is available online and at no cost at: <http://ncadi.samhsa.gov>.

### Treatment for Native Americans

One Sky Center is the first national resource center dedicated to improving prevention and treatment of substance abuse among Native Americans. Conceptualized and funded by the Substance Abuse and Mental Health Services Administration, it is designed to work across all federal and state agencies that provide services to American Indian/Alaska Native populations. [www.oneskycenter.org](http://www.oneskycenter.org).

### Where's the Money?



The National Criminal Justice Association presented a free "webinar" - a web-based seminar on federal resources available to public safety agencies - on March 19, 2004. [Click here](#) to view the recording of the seminar. [Click here](#) to download the slides only.

### Substance Abuse, Mental Health and Courts

Visit <http://www.gainsctr.com/pdfs/CoOccurringSpecialty04.pdf> for a comprehensive assessment by two of the foremost experts in the field of co-occurring substance use. The study provides excellent material on mental disorder treatment and mental health courts as well as an overview of the characteristics and needs of individuals with co-occurring disorders. The document also deals with the best practices associated with positive outcomes both in treatment settings and in the court. In addition to guiding current mental health court development and practice, the document will provide us with a useful starting blueprint for development of Statewide Guidelines for Effectiveness and Evaluation of Mental Health Courts.

### National Drug Court Institute

The National Drug Court Institute has announced the schedule for its 2005 Comprehensive Drug Court Practitioner Training Series. The dates for the individual session are:

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- ⚖️ Drug Court Defense Counsel Training:  
April 19-22 / National Judicial College, Reno, NV
  - ⚖️ Drug Court Prosecutor Training:  
July 19-22 / National Judicial College, Reno, NV
  - ⚖️ Regional Evaluator Training: August 3-4 / Las Vegas, NV
  - ⚖️ Drug Court Coordinator Training:  
September 20-24 / Dallas, TX
  - ⚖️ Drug Court Judicial Training:  
October 18-22 / National Judicial College, Reno, NV
  - ⚖️ Drug Court Treatment Provider Training:  
November 15-19 / Dallas, TX
  - ⚖️ Drug Court Community Supervision Training:  
December 6-10 / National Judicial College, Reno, NV

For more information, contact Norma Jaeger at [njaeger@idcourts.net](mailto:njaeger@idcourts.net) or 208-334-2248.

### Treating Youth Analysis

"Treating Youth in Conflict with the Law," a recent meta-analysis of research studies on "what works" in programming for juveniles in the justice system, provides excellent information related to the development of effective intervention strategies for youth. For more information, go to:

<http://canada.justice.gc.ca/en/ps/rs/rep/rr03yj-3/rr03yj-3.html>

### Therapeutic Jurisprudence

A recent article in Trends: 2004 from the National Center for State Courts identifies further development in the application of therapeutic jurisprudence beyond the problem solving court calendars.

For more information, visit:

[http://www.ncsconline.org/WC/Publications/KIS\\_SpePro\\_Trends04.pdf](http://www.ncsconline.org/WC/Publications/KIS_SpePro_Trends04.pdf)





## Collection Policy Okayed By Administrative Conference

The Administrative Conference has approved a protocol for improving collections for felony restitution, fines, and fees. Each district judge can use the new protocol to establish a collection procedure in his or her court. After establishing a procedure, please notify your probation officers to make sure they are following the procedures. The Department of Corrections was involved in establishing these recommendations and they are also distributing this protocol to their probation officers. In addition, these procedures are being sent to each elected county prosecutor so they can adopt policies to help improve collections.

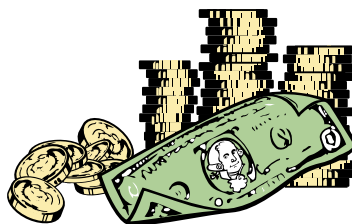
### Recommendations for Improving Collections of Felony Restitution, Fines, and Fees

The following protocols have been developed to help in the collection of felony restitution, fine and fees. The only way collection by felony offenders will be effective, is if there is coordination between the Judiciary, Prosecuting Attorney's office, and Probation Department. Defendants must know at sentencing what the expectations are and what the consequences will be for non-payment of restitution, fines, and fees.

The following is a list of items that would improve the collection process:

#### Judiciary

- ⚖️ ISTARS should be made available to felony and misdemeanor probation officers allowing access to fines, fees, and restitution balances.
- ⚖️ The judiciary should establish standard collection procedures. A defendant should know the Court's expectations for paying restitution and fines, as well as, the consequences for non-payment. The probation officer will not stress collection issues unless they have confidence that the Court will follow through for probation violations or failure to pay.



#### Probation Department

- ⚖️ The probation department must make collections a priority.
- ⚖️ Require monthly payments in each case.
- ⚖️ The probation officer is the key component to making this work. They must sit down with the defendant soon after sentencing, make a plan, make sure the plan is being followed, and provide sanctions and incentives.
- ⚖️ In many counties, the prosecuting attorneys are keeping restitution balances in their offices, and the probation officers are not aware of the amounts. To be effective, all fees, fines, and restitution should be on the ISTARS system, so probation officers can help set up payment schedules and track payments.

#### Prosecuting Attorney

- ⚖️ It is recommended that all restitution be on the ISTARS system, so probation officers can help set up payment schedules and track payments.
- ⚖️ Prosecuting attorneys statewide need to be involved in helping come up with solutions, as they are the ones responsible for restitution. Each office handles it a little differently.

We must look at parolees. There are several people on parole that still owe fines, fees, and restitution. Pardon and Parole needs to be involved in developing some incentives and sanctions for them to pay. If possible, the payment should be done before any work release is completed and then review any statutory changes that might need to be made for the parolees.

To be effective in collecting fines, judges, prosecutors, and probation officers need to meet at least annually to evaluate procedures and discuss collection issues.

If you have questions regarding this protocol, or have any suggestions to improve collection rates, please contact Corrie Keller in the Court Services office at 208-334-2248.

**JUDICIAL/ADMINISTRATIVE NEWS**  
is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

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**Boise, ID 83702**  
**Phone: 208-334-2246**  
**FAX: 208-947-7590**  
**E-mail: *ptobias@idcourts.net***

Thanks!



**Note:** For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>

